IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

A.O. No. 671 of 2001
(Old No. 55 of 1986)

Oriental Insurance Company
Dehradun Ltd. ...Applicant

Vs

Nand Lal Bakshi
S/o Sh. Subedar Ram Dass
Bakshi.
R/o Canal Road, Crossing 55
Azabpur, Dehradun ....Respondents

And

A.O. No. 679 of 2001

Oriental Insurance Company
Dehradun Ltd. ...Applicant

Vs

Smt. Kiran Thapa
W/o Late Sh. Ramesh Thapa .....Respondents

Dated: 24.9.2004

Hon'ble Rajesh Tandon J.

Heard Sh. Deepak Rawat learned counsel for the applicant.

By the present appeal the applicant has challenged the award passed in proceeding under Section 92-A of the Motor Vehicles Act, awarded a sum of Rs. 15,000.

Brief facts giving rise to the present writ petition are that the petitioner's late son Sh. Subhash Bakshi met with an accident on 14-12-1983 with Truck No. URM 8286 owned by O.P. No.1 Sh Lalit Kumar Gupta and insured with O.P. No. 2, The oriental fire and General Insurance Company. The petitioner's contention is that his late son Sh. Subhas was

walking on the road on his left side and was not at fault in any way while going on the road. It h been alleged further that the accident had taken place due to rash and negligent driving of the driver at the aforesaid Truck.

A perusal of the record shows that the accident has not been denied by the opposite parties. Apparently, the petitioner is entitled to claim compensation of Rs. 15,000/- on the basis of principle of the fault as envisaged under the aforesaid section.

In view of the aforesaid proposition as contained under Section 92-A of the Motor Vehicles Act, the appeal lacks merits.

Consequently, the appeal is dismissed. No order as to costs.

Dated: -24-9-2004 (RAJESH TANDON J.)

M.K.